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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,390	12/15/2003	Thomas E. Creamer	BOC9-2003-0092 (463)	6221
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AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER NEWAY, SAMUEL G	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 05/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/736,390	Applicant(s) CREAMER ET AL.	
	Examiner Samuel G. Neway	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>04/22/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is responsive to the Application filed on 15 December 2003.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 3, 5 – 11, 13 – 19, and 21 – 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Mukherji (USPN 7,117,152).

Claim 1:

Mukherji discloses a method of providing a translation within a voice stream comprising:

receiving a speech signal in a first language; determining text from the speech signal ("Voice/text module 32 includes speech recognition modules capable of converting voice information received using microphone 38 into text", col. 4, lines 9-11);

translating the text to a second and different language ("voice/text module 32 may translate text from a first language to a second language", col. 4, lines 38-39); and

encoding the translated text within the speech signal ("encoding the text into packets for communication using network interface 36", col. 4, lines 11-12).

Claim 2:

Mukherji discloses the method of claim 1, further comprising transmitting the resulting speech signal ("voice information is then encoded into packets using CODEC 34, and these packets are transmitted ", col. 5, lines 12-17).

Claim 3:

Mukherji discloses the method of claim 1, said encoding step comprising including the translated text within the speech signal as digital information ("combining the two streams such that text information "piggybacks" in the voice packets", col. 5, lines 24-27).

Claim 5:

Mukherji discloses the method of claim 2, further comprising:

receiving the speech signal specifying the translated text; and decoding the translated text ("voice/text module 32 receives packets encoding voice information from a remote location, retrieves the remote text information from the packets", col. 4, lines 21-24).

Claim 6:

Mukherji discloses the method of claim 5, further comprising presenting a representation of the translated text ("displays the remote text information using visual display 30", col. 4, lines 21-24).

Claim 7:

Art Unit: 2626

Mukherji discloses the method of claim 6, further comprising playing an audible representation of the received speech signal ("CODEC 34 decodes packets of information received from network interface 36 into audio signals for output using a speaker 40", col. 3, lines 64-66).

Claim 8:

Mukherji discloses the method of claim 7, wherein the audible representation of the received speech signal is played substantially concurrently with the presentation of the translated text ("communications equipment 12 may display a substantially real-time transcript of a voice communications session for reference during the conversation", col. 4, lines 24-29).

Claims 9 – 11, and 13 – 16 are similar in scope and content to claims 1 – 3, and 5 – 8 and are rejected with the same rationale.

Claims 17 – 19, and 21 – 24 are similar in scope and content to claims 1 – 3, and 5 – 8 and are rejected with the same rationale.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2626

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukherji (USPN 7,117,152) in view of Admitted Prior Art.

Claim 4:

Mukherji discloses the method of claim 3, but he does not explicitly disclose the encoding step comprising: removing inaudible portions of the speech signal; and embedding the translated text in place of the inaudible portions of the speech signal.

Applicant discloses that perceptual encoders, such as MPEG codecs, wherein inaudible portions of a speech signal are removed, are known in the art ([0015] and [0016]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use perceptual encoders in Mukherji's method in order to improve speech compression.

Mukherji further discloses combining text and speech streams together ("combining the two streams such that text information "piggybacks" in the voice packets", col. 5, lines 24-27). If inaudible portions of the speech signal are removed and text is piggybacked in the voice packet, it is inherent that the text will be embedded in the speech in place of the inaudible portion of the speech signal.

Claims 12 and 20 are similar in scope and content to claim 4 and are rejected with the same rationale.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Engelke et al (USPN 6,504,910) discloses a system that creates a text message from speech and transmits combined digital characters of the text message with packets of the digitized speech.

Hiri (USPN 6,490,550) discloses a system for IP-based telephone communication utilizing speech-generated text is disclosed.

Saindon et al (USPN 6,820,055) discloses a system for receiving spoken audio, converting the spoken audio to text, and transferring the text and speech to a user. As desired, the speech or text can be translated into one or more different languages.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G. Neway whose telephone number is 571-270-1058. The examiner can normally be reached on Monday - Friday 8:30AM - 5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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**DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER**